

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA )

Plaintiff )

vs. )

Nadine J. Griffin )

Accused/Defendant )

CASE NO. CR-05-10175-WGY

**MEMORANDUM OF THE LAW  
IN SUPPORT OF MOVE FOR  
BILL OF PARTICULARS**

Accused defendant Nadine J. Griffin submits that this Court should, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, grant defendant's motion for a bill of particulars as requested. The information sought by the defendant's motion is necessary to enable her to prepare an effective defense to the government's broad based filing false tax return allegations. Accordingly, this Court should, following applicable precedent and order the government to provide the requested bill of particulars.

A bill of particulars is "appropriate to permit a defendant to identify with sufficient particularity the nature of the charge against him, thereby enabling defendant to prepare for trial, to prevent surprise, and to interpose a plea of double jeopardy should he be prosecuted for the same offense." *United States v. Davidoff*, 845 F.2d 1151, 1154 (2d Cir. 1988) (quoting *United States v. Bortnovsky*, 820 F.2d 572, 574 (2d Cir. 1987)).

The following purposes will be served by a bill of particulars in this case. For example, all of the requested particulars address the government's broad-ranging and ill-defined filing a false return allegations in Count One of the Indictment. The need for a bill of particulars in cases

1 involving such broad allegations is well recognized. See United States v. Hubbard, 474 F. Supp.  
2 64, 81 (D.D.C. 1979) (Ordering the government to provide a list of all unindicted co-conspirators  
3 and all overt acts in furtherance of the conspiracy but not named in the indictment); See also  
4 United States v. Mannino, 480 F. Supp. 1182, 1185 (S.D.N.Y. 1979) (Ordering bill of particulars  
5 with regard to overt acts).

6 Federal Rule of Criminal Procedure 7(f) provides that the Court may direct the filing of a bill  
7 of particulars upon the motion of a defendant. The purpose of a bill of particulars is to apprise  
8 the defendant of the nature of the charges, in such a way, so as to ensure that she: (1) understands  
9 the charges, (2) can prepare a defense, (3) can avoid prejudicial surprise at trial, and (4) can be  
10 possible be protected against retrial for the same offense. United States v. Butler, 822 F. 2d 1191  
11 (D.C. Cir. 1987); See, e.g., United States v. Ramirez, 602 F. Supp. 783, 793 (S.D.N.Y. 1985).  
12 The determination as to whether a bill of particulars should be provided is within the discretion  
13 of the trial court. United States v. Butler, 822 F. 2d at 1194.

15 In the present case, Nadine J. Griffin is charged in Count One and Count Two of the above  
16 captioned indictment with Filing False Income Tax Returns for tax years 1998 and 1999 in  
17 violation of 26 U.S.C. § 7206. Count One and Count Two alleged that "... on or about 1996  
18 through at least 1999, defendant NADINE J. GRIFFIN/ Nadine J. Griffin was a salesperson for  
19 Global Prosperity." However, Count One and Two fails to state how providing services as  
20 salesperson for Global Prosperity supports the government's charge that the Accused defendant  
21 filed a false income tax return. Conclusory and prejudicial statements of counsel on behalf of the  
22 government, save, the ignorance of the Grand Jury by manipulated, slanted and distorted facts is  
23 the only foundation relied upon to obtain the True Bill. The True Bill lacks factual sufficiency  
24 and is defective on its face and fails to support or state a claim for the charge of a crime. In  
25

1 addition, it does not establish a single element necessary to charge for filing a false income tax  
 2 return. Therefore, the information sought by this Move For Bill of Particulars is absolutely  
 3 necessary to permit Nadine J. Griffin the ability to adequately prepare a defense to the filing of  
 4 false income tax returns as alleged in Count One and Count Two.

5 "The government may not respond that the defendants should know the particulars demanded,  
 6 for they are presumed to be innocent; in any event, the request for a bill of particulars is aimed at  
 7 the facts as alleged by the government, not as they may have actually occurred." United States v.  
 8 Ramirez, 602 F. Supp. 783 (S.D.N.Y. 1985); United States v. Tanner, 279 F. Supp. 457, 474  
 9 (C.D. Ill. 1967); United States v. Tucker, 262 F. Supp. 305, 307 (S.D.N.Y. 1966).

10 Sound judicial administration requires pretrial notice of the nature and cause of the action filed  
 11 against the Accused defendant able to be cognizable by a man of average intelligence, and such  
 12 is not the case regarding the above entitled action. Thus, in fairness to the accused and to this  
 13 Court, the defendants' motion should be granted.

14 WHEREFORE, it is respectfully requested that this Motion For Bill of Particulars be granted.

15 Respectfully submitted,

16 Executed this 5<sup>th</sup> day of October 2005.

17 Signature: 

18 Nadine J. Griffin, Accused  
 19 C/o 13799 Park Blvd. North #244  
 20 Seminole, Florida [33776-3402]  
 21  
 22  
 23  
 24  
 25

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

NADINE J. GRIFFIN,

Defendant.

26 U.S.C. § 7206(1)

(Filing False Income Tax Returns)

*CR-05-10175-WGY*

**INDICTMENT**

The Grand Jury Charges:

**INTRODUCTORY ALLEGATIONS**

At all times relevant to this Indictment:

1. The defendant, NADINE J. GRIFFIN, is a United States Citizen and was a resident of Danvers, Massachusetts.
2. From in or about 1996 through at least 1999, defendant NADINE J. GRIFFIN was a salesperson for Global Prosperity.
3. Global Prosperity was an organization founded in 1996, which was in the business of selling a 12-part audiotape/compact disc series, as well as tickets to offshore seminars located in such places as Aruba and Cancun, Mexico. Global Prosperity was known by various names including Global Prosperity Marketing Group, the Global Prosperity Group, and the Institute of Global Prosperity (hereinafter referred to as "Global Prosperity").
4. As a salesperson for Global Prosperity, Nadine J. Griffin sold the following goods and services:

- a. Global 1 (G1): a 12-part audiotape/compact disc series retail priced at \$1,250 per series.
- b. Global 2 (G2): a seminar ticket to a three-day offshore seminar retail priced at \$6,250 per ticket.
- c. Global 3 (G3): a seminar ticket to a five-day offshore seminar retail priced at \$18,750 per ticket.

5. Global Prosperity primarily marketed and sold its products through a network of distributors or salespersons modeled after the multi-level marketing design.

The Grand Jury further charges:

COUNT 1

26 U.S.C. § 7206(1)

(Filing False Income Tax Returns)

6. On or about July 30, 1999, in the District of Massachusetts, defendant NADINE J. GRIFFIN, who was a resident of Danvers, Massachusetts, did willfully make and subscribe a 1998 U.S. Individual Income Tax Return, Form 1040, for the calendar year 1998, which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Internal Revenue Service, and which said income tax return defendant NADINE J. GRIFFIN did not believe to be true and correct as to every material matter in that the said 1998 income tax return reported Schedule C gross receipts of \$31,348.01, whereas, defendant NADINE J. GRIFFIN then and there well knew and believed, that defendant failed and omitted to disclose on the said 1998 income tax return and attached Schedule C, or any other Schedule C, or otherwise, a substantial amount of gross receipts from her business activity as a salesperson for Global Prosperity.

All in violation of Title 26, United States Code, Section 7206(1).



The Grand Jury further charges:

COUNT 2

26 U.S.C. § 7206(1)  
(Filing False Income Tax Returns)

7. On or about April 12, 2000, in the District of Massachusetts, the defendant NADINE J. GRIFFIN, who was a resident of Danvers, Massachusetts, did willfully make and subscribe a 1999 U.S. Individual Income Tax Return, Form 1040, for calendar year 1999, which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Internal Revenue Service, and which said income tax return defendant NADINE J. GRIFFIN did not believe to be true and correct as to every material matter in that the said 1999 income tax return reported Schedule C gross receipts of \$30,127.00, whereas, defendant NADINE J. GRIFFIN then and there well knew and believed, that defendant failed and omitted to disclose on the said 1999 income tax return and attached Schedule C, or any other Schedule C, or otherwise, a substantial amount of gross receipts from her business activity as a salesperson for Global Prosperity.

All in violation of Title 26, United States Code, Section 7206(1).

A TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
CHRISTOPHER MAIETTA  
ASSISTANT U.S. ATTORNEY *True Among, DOJ Hon. D.*

DISTRICT OF MASSACHUSETTS; July <sup>13/05</sup> 12, 2005.

Returned into the District Court by the Grand Jurors and filed.

  
DEPUTY CLERK

12:49 P



JS 45 (5/97) - (Revised USAO MA 6/29/04)

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: District of Mass. Category No. II Investigating Agency IRS/CICity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Nadine J. Griffin Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address Seminole, FLBirth date (Year only): 1960 SSN (last 4 #): 2839 Sex F Race: Caucasian Nationality: U.S. CitizenDefense Counsel if known: James Krasnoo Address: 23 Main Street, Terrace Level  
Andover, Mass.

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Christopher J. Maietta Bar Number if applicable N/AInterpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☒ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations



I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 7/13/05Signature of AUSA: C. Maietta

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Nadine J. Griffin

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>26 USC 7206(1)</u>	<u>U.S.E. Filing False Tax Returns</u>	<u>1</u>
Set 2	<u>26 USC 7206(1)</u>	<u>Filing False Tax Returns</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: